United Nations S/RES/1845 (2008)

Security Council

Distr.: General
20 November 2008

Resolution 1845 (2008)

Adopted by the Security Council at its 6021st meeting, on 20 November 2008

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia and relevant statements of its President, including resolutions 1031 (1995) of 15 December 1995, 1088 (1996) of 12 December 1996, 1423 (2002) of 12 July 2002, 1491 (2003) of 11 July 2003, 1551 (2004) of 9 July 2004, 1575 (2004) of 22 November 2004, 1639 (2005) of 21 November 2005, 1722 (2006) of 21 November 2006, 1764 (2007) of 29 June 2007 and 1785 (2007) of 21 November 2007,

Reaffirming its commitment to the political settlement of the conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Emphasizing its full support for the High Representative's continued role in Bosnia and Herzegovina,

Underlining its commitment to support the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto (collectively the Peace Agreement, S/1995/999, annex), as well as the relevant decisions of the Peace Implementation Council (PIC),

Recalling all the agreements concerning the status of forces referred to in Appendix B to Annex 1-A of the Peace Agreement, and reminding the parties of their obligation to continue to comply therewith,

Further recalling the provisions of its resolution 1551 (2004) concerning the provisional application of the status of forces agreements contained in Appendix B to Annex 1-A of the Peace Agreement,

Emphasizing its appreciation to the High Representative, the Commander and personnel of the multinational stabilization force (EUFOR), the Senior Military Representative and personnel of the NATO Headquarters Sarajevo, the Organization for Security and Cooperation in Europe (OSCE), the European Union (EU) and the personnel of other international organizations and agencies in Bosnia and Herzegovina for their contributions to the implementation of the Peace Agreement,

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Emphasizing that a comprehensive and coordinated return of refugees and displaced persons throughout the region continues to be crucial to lasting peace,

Recalling the declarations of the Ministerial meetings of the Peace Implementation Conference,

Recognizing that full implementation of the Peace Agreement is not yet complete, while *paying tribute* to the achievements of the authorities at State and entity level in Bosnia and Herzegovina and of the international community in the thirteen years since the signing of the Peace Agreement,

Emphasizing the importance of Bosnia and Herzegovina's progress towards Euro-Atlantic integration on the basis of the Peace Agreement, while *recognizing* the importance of Bosnia and Herzegovina's transition to a functional, reform-oriented, modern and democratic European country,

Noting the reports of the High Representative, including his latest report of 14 November 2008 (S/2008/705),

Determined to promote the peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994 and the statement of its President on 10 February 2000 (S/PRST/2000/4),

Welcoming and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

Taking note of the conclusions of EU Foreign Ministers and Ministers of Defence at their joint meeting on 14 May 2007, which reiterate that the EU would retain a military presence in the country as long as necessary, in order to continue contributing to the maintenance of a safe and secure environment, and the conclusions of EU Foreign Ministers and Ministers of Defence at their joint meeting on 10 November 2008,

Recalling the letters between the European Union and NATO sent to the Security Council on 19 November 2004 on how those organizations will cooperate together in Bosnia and Herzegovina in which both organizations recognize that the EUFOR will have the main peace stabilization role under the military aspects of the Peace Agreement (S/2004/916; S/2004/915),

Further recalling the confirmation by the Presidency of Bosnia and Herzegovina, on behalf of Bosnia and Herzegovina, including its constituent entities, of the arrangements for EUFOR and the NATO Headquarters presence (S/2004/917),

Welcoming the European Union's increased engagement in Bosnia and Herzegovina and the continued engagement of NATO,

Reiterating once again its calls on the authorities in Bosnia and Herzegovina to implement in full their undertakings as also confirmed by the PIC Steering Board declaration of 27 February 2008,

Noting that the signing of the Stabilization and Association Agreement (SAA) marked a fundamental step forward in the relationship between Bosnia and

Herzegovina and the European Union, and *calling on* the authorities in Bosnia and Herzegovina to shoulder their responsibilities and renew their efforts in this regard,

Noting with satisfaction the agreement between the leaders of three of the main parties in Bosnia and Herzegovina reached on 8 November 2008, *calling* for these proposals to be rapidly put into concrete form in close cooperation with the High Representative and the PIC Steering Board, and *inviting* Bosnian political forces to unite around this project,

Determining that the situation in the region continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reaffirms* once again its support for the Peace Agreement, as well as for the Dayton Paris Agreement on implementing the Federation of Bosnia and Herzegovina of 10 November 1995 (S/1995/1021, annex) and *calls upon* the parties to comply strictly with their obligations under those Agreements;

2. *Reiterates* that the primary responsibility for the further successful implementation of the Peace Agreement lies with the authorities in Bosnia and Herzegovina themselves and that the continued willingness of the international community and major donors to assume the political, military and economic burden of implementation and reconstruction efforts will be determined by the compliance and active participation by all the authorities in Bosnia and Herzegovina in implementing the Peace Agreement and rebuilding a civil society, in particular in full cooperation with the International Tribunal for the Former Yugoslavia, in strengthening joint institutions, which foster the building of a fully functioning self-sustaining State, able to integrate itself into the European structures and in facilitating returns of refugees and displaced persons;

3. *Reminds* the parties once again that, in accordance with the Peace Agreement, they have committed themselves to cooperate fully with all entities involved in the implementation of this peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal for the Former Yugoslavia, as it carries out its responsibilities for dispensing justice impartially, and *underlines* that full cooperation by States and entities with the International Tribunal includes, inter alia, the surrender for trial or apprehension of all persons indicted by the Tribunal and provision of information to assist in Tribunal investigations;

4. *Emphasizes* its full support for the continued role of the High Representative in monitoring the implementation of the Peace Agreement and giving guidance to and coordinating the activities of the civilian organizations and agencies involved in assisting the parties to implement the Peace Agreement, and *reaffirms* that under Annex 10 of the Peace Agreement the High Representative is the final authority in theatre regarding the interpretation of civilian implementation of the Peace Agreement and that in case of dispute he may give his interpretation and make recommendations, and make binding decisions as he judges necessary on issues as elaborated by the Peace Implementation Council in Bonn on 9 and 10 December 1997;

5. *Expresses* its support for the declarations of the Ministerial meetings of the Peace Implementation Conference;

6. *Reaffirms* its intention to keep implementation of the Peace Agreement and the situation in Bosnia and Herzegovina under close review, taking into account the reports submitted pursuant to paragraphs 18 and 21 below, and any recommendations those reports might include, and its readiness to consider the imposition of measures if any party fails significantly to meet its obligations under the Peace Agreement;

7. *Recalls* the support of the authorities of Bosnia and Herzegovina for EUFOR and the continued NATO presence and their confirmation that both are the legal successors to SFOR for the fulfilment of their missions for the purposes of the Peace Agreement, its Annexes and Appendices and relevant United Nations Security Council resolutions and can take such actions as are required, including the use of force, to ensure compliance with Annexes 1-A and 2 of the Peace Agreement and relevant United Nations Security Council resolutions;

8. *Pays tribute* to those Member States which participated in the multinational stabilization force (EUFOR), and in the continued NATO presence, established in accordance with its resolution 1575 (2004) and extended with its resolutions 1639 (2005), 1722 (2006) and 1785 (2007), and *welcomes* their willingness to assist the Parties to the Peace Agreement by continuing to deploy a multinational stabilization force (EUFOR) and by maintaining a continued NATO presence;

9. *Welcomes* the EU's intention to maintain an EU military operation to Bosnia and Herzegovina from November 2008;

10. *Authorizes* the Member States acting through or in cooperation with the EU to establish for a further period of 12 months, starting from the date of the adoption of this resolution, a multinational stabilization force (EUFOR) as a legal successor to SFOR under unified command and control, which will fulfil its missions in relation to the implementation of Annex 1-A and Annex 2 of the Peace Agreement in cooperation with the NATO Headquarters presence in accordance with the arrangements agreed between NATO and the EU as communicated to the Security Council in their letters of 19 November 2004, which recognize that EUFOR will have the main peace stabilization role under the military aspects of the Peace Agreement;

11. *Welcomes* the decision of NATO to continue to maintain a presence in Bosnia and Herzegovina in the form of a NATO Headquarters in order to continue to assist in implementing the Peace Agreement in conjunction with EUFOR and *authorizes* the Member States acting through or in cooperation with NATO to continue to maintain a NATO Headquarters as a legal successor to SFOR under unified command and control, which will fulfil its missions in relation to the implementation of Annex 1-A and Annex 2 of the Peace Agreement in cooperation with EUFOR in accordance with the arrangements agreed between NATO and the EU as communicated to the Security Council in their letters of 19 November 2004, which recognize that EUFOR will have the main peace stabilization role under the military aspects of the Peace Agreement;

12. *Reaffirms* that the Peace Agreement and the provisions of its previous relevant resolutions shall apply to and in respect of both EUFOR and the NATO presence as they have applied to and in respect of SFOR and that therefore references in the Peace Agreement, in particular in Annex 1-A and its appendices,

and relevant resolutions to IFOR and/or SFOR, NATO and the NAC shall be read as applying, as appropriate, to the NATO presence, EUFOR, the European Union and the Political and Security Committee and Council of the European Union respectively;

13. *Expresses* its intention to consider the terms of further authorization as necessary in the light of developments in the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina;

14. *Authorizes* the Member States acting under paragraphs 10 and 11 above to take all necessary measures to effect the implementation of and to ensure compliance with Annexes 1-A and 2 of the Peace Agreement, *stresses* that the parties shall continue to be held equally responsible for the compliance with that Annex and shall be equally subject to such enforcement action by EUFOR and the NATO presence as may be necessary to ensure implementation of those Annexes and the protection of EUFOR and the NATO presence;

15. *Authorizes* Member States to take all necessary measures, at the request of either EUFOR or the NATO Headquarters, in defence of the EUFOR or NATO presence respectively, and to assist both organizations in carrying out their missions, and *recognizes* the right of both EUFOR and the NATO presence to take all necessary measures to defend themselves from attack or threat of attack;

16. *Authorizes* the Member States acting under paragraphs 10 and 11 above, in accordance with Annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

17. *Demands* that the parties respect the security and freedom of movement of EUFOR, the NATO presence, and other international personnel;

18. *Requests* the Member States acting through or in cooperation with the EU and the Member States acting through or in cooperation with NATO to report to the Council on the activity of EUFOR and NATO Headquarters presence respectively, through the appropriate channels and at least at three-monthly intervals;

19. *Invites* all States, in particular those in the region, to continue to *provide* appropriate support and facilities, including transit facilities, for the Member States acting under paragraphs 10 and 11 above;

20. *Reiterates its appreciation for* the deployment by the EU of its Police Mission (EUPM) to Bosnia and Herzegovina since 1 January 2003;

21. *Also requests* the Secretary-General to continue to submit to the Council reports from the High Representative, in accordance with Annex 10 of the Peace Agreement and the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996 (S/1996/1012), and later Peace Implementation Conferences, on the implementation of the Peace Agreement and in particular on compliance by the parties with their commitments under that Agreement;

22. *Decides* to remain seized of the matter.

S/RES/ 1846 (2008)

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Security Council

Distr.: General
2 December 2008

Resolution 1846 (2008)

Adopted by the Security Council at its 6026th meeting, on 2 December 2008

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, especially resolutions 1814 (2008), 1816 (2008) and 1838 (2008),

Continuing to be gravely concerned by the threat that piracy and armed robbery at sea against vessels pose to the prompt, safe and effective delivery of humanitarian aid to Somalia, to international navigation and the safety of commercial maritime routes, and to other vulnerable ships, including fishing activities in conformity with international law,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Further reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Convention"), sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,

Taking into account the crisis situation in Somalia, and the lack of capacity of the Transitional Federal Government ("TFG") to interdict pirates or patrol and secure either the international sea lanes off the coast of Somalia or Somalia's territorial waters,

Taking note of the requests from the TFG for international assistance to counter piracy off its coasts, including the 1 September 2008 letter from the President of Somalia to the Secretary-General of the United Nations expressing the appreciation of the TFG to the Security Council for its assistance and expressing the TFG's willingness to consider working with other States and regional organizations to combat piracy and armed robbery at sea off the coast of Somalia, the 20 November 2008 letter conveying the request of the TFG that the provisions of resolution 1816 (2008) be renewed, and the 20 November request of the Permanent Representative of Somalia before the Security Council that the renewal be for an additional 12 months,

Further taking note of the letters from the TFG to the Secretary-General providing advance notification with respect to States cooperating with the TFG in

the fight against piracy and armed robbery at sea off the coast of Somalia and from other Member States to the Security Council to inform the Council of their actions, as requested in paragraphs 7 and 12 of resolution 1816 (2008), and encouraging those cooperating States, for which advance notification has been provided by the TFG to the Secretary-General, to continue their respective efforts,

Expressing again its determination to ensure the long-term security of World Food Programme (WFP) maritime deliveries to Somalia,

Recalling that in its resolution 1838 (2008) it commended the contribution made by some States since November 2007 to protect (WFP) maritime convoys, and the establishment by the European Union (EU) of a coordination unit with the task of supporting the surveillance and protection activities carried out by some member States of the European Union off the coast of Somalia, as well as other international and national initiatives taken with a view to implementing resolutions 1814 (2008) and 1816 (2008),

Emphasizing that peace and stability within Somalia, the strengthening of State institutions, economic and social development and respect for human rights and the rule of law are necessary to create the conditions for a full eradication of piracy and armed robbery at sea off the coast of Somalia,

Welcoming the signing of a peace and reconciliation Agreement ("the Djibouti Agreement") between the TFG and the Alliance for the Re-Liberation of Somalia on 19 August 2008, as well as their signing of a joint ceasefire agreement on 26 October 2008, *noting* that the Djibouti Agreement calls for the United Nations to authorize and deploy an international stabilization force, and *further noting* the Secretary-General's report on Somalia of 17 November 2008, including his recommendations in this regard,

Commending the key role played by the African Union Mission to Somalia (AMISOM) in facilitating delivery of humanitarian assistance to Somalia through the port of Mogadishu and the contribution that AMISOM has made towards the goal of establishing lasting peace and stability in Somalia, and *recognizing* specifically the important contributions of the Governments of Uganda and Burundi to Somalia,

Welcoming the organization of a ministerial meeting of the Security Council in December 2008 to examine ways to improve international coordination in the fight against piracy and armed robbery off the coast of Somalia and to ensure that the international community has the proper authorities and tools at its disposal to assist it in these efforts,

Determining that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that it condemns and deplores all acts of piracy and armed robbery against vessels in territorial waters and the high seas off the coast of Somalia;

2. *Expresses* its concern over the finding contained in the 20 November 2008 report of the Monitoring Group on Somalia that escalating ransom payments are fuelling the growth of piracy off the coast of Somalia;

3. *Welcomes* the efforts of the International Maritime Organization ("IMO") to update its guidance and recommendations to the shipping industry and to Governments for preventing and suppressing piracy and armed robbery at sea and to provide this guidance as soon as practicable to all Member States and to the international shipping community operating off the coast of Somalia;

4. *Calls upon* States, in cooperation with the shipping industry, the insurance industry and the IMO, to issue to ships entitled to fly their flag appropriate advice and guidance on avoidance, evasion, and defensive techniques and measures to take if under the threat of attack or attack when sailing in the waters off the coast of Somalia;

5. *Further calls upon* States and interested organizations, including the IMO, to provide technical assistance to Somalia and nearby coastal States upon their request to enhance the capacity of these States to ensure coastal and maritime security, including combating piracy and armed robbery at sea off the Somali and nearby coastlines;

6. *Welcomes* initiatives by Canada, Denmark, France, India, the Netherlands, the Russian Federation, Spain, the United Kingdom, the United States of America, and by regional and international organizations to counter piracy off the coast of Somalia pursuant to resolutions 1814 (2008), 1816 (2008) and 1838 (2008), the decision by the North Atlantic Treaty Organization (NATO) to counter piracy off the Somalia coast, including by escorting vessels of the WFP, and in particular the decision by the EU on 10 November 2008 to launch, for a period of 12 months from December 2008, a naval operation to protect WFP maritime convoys bringing humanitarian assistance to Somalia and other vulnerable ships, and to repress acts of piracy and armed robbery at sea off the coast of Somalia;

7. *Calls upon* States and regional organizations to coordinate, including by sharing information through bilateral channels or the United Nations, their efforts to deter acts of piracy and armed robbery at sea off the coast of Somalia in cooperation with each other, the IMO, the international shipping community, flag States, and the TFG;

8. *Requests* the Secretary-General to present to it a report, no later than three months after the adoption of this resolution, on ways to ensure the long-term security of international navigation off the coast of Somalia, including the long-term security of WFP maritime deliveries to Somalia and a possible coordination and leadership role for the United Nations in this regard to rally Member States and regional organizations to counter piracy and armed robbery at sea off the coast of Somalia;

9. *Calls upon* States and regional organizations that have the capacity to do so, to take part actively in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with this resolution and relevant international law, by deploying naval vessels and military aircraft, and through seizure and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery off the coast of Somalia, or for which there is reasonable ground for suspecting such use;

10. *Decides* that for a period of 12 months from the date of this resolution States and regional organizations cooperating with the TFG in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the TFG to the Secretary-General, may:

(a) Enter into the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law; and

(b) Use, within the territorial waters of Somalia, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law, all necessary means to repress acts of piracy and armed robbery at sea;

11. *Affirms* that the authorizations provided in this resolution apply only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations under the Convention, with respect to any other situation, and underscores in particular that this resolution shall not be considered as establishing customary international law; and *affirms further* that such authorizations have been provided only following the receipt of the 20 November letter conveying the consent of the TFG;

12. *Affirms* that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) do not apply to supplies of technical assistance to Somalia solely for the purposes set out in paragraph 5 above which have been exempted from those measures in accordance with the procedure set out in paragraphs 11 (b) and 12 of resolution 1772 (2007);

13. *Requests* that cooperating States take appropriate steps to ensure that the activities they undertake pursuant to the authorization in paragraph 10 do not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State;

14. *Calls upon* all States, and in particular flag, port and coastal States, States of the nationality of victims and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction, and in the investigation and prosecution of persons responsible for acts of piracy and armed robbery off the coast of Somalia, consistent with applicable international law including international human rights law, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such victims and witnesses and persons detained as a result of operations conducted under this resolution;

15. *Notes* that the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation ("SUA Convention") provides for parties to create criminal offences, establish jurisdiction, and accept delivery of persons responsible for or suspected of seizing or exercising control over a ship by force or threat thereof or any other form of intimidation; *urges* States parties to the SUA Convention to fully implement their obligations under said Convention and cooperate with the Secretary-General and the IMO to build judicial capacity for the

successful prosecution of persons suspected of piracy and armed robbery at sea off the coast of Somalia;

16. *Requests* States and regional organizations cooperating with the TFG to inform the Security Council and the Secretary-General within nine months of the progress of actions undertaken in the exercise of the authority provided in paragraph 10 above;

17. *Requests* the Secretary-General to report to the Security Council within 11 months of adoption of this resolution on the implementation of this resolution and on the situation with respect to piracy and armed robbery in territorial waters and the high seas off the coast of Somalia;

18. *Requests* the Secretary-General of the IMO to brief the Council on the basis of cases brought to his attention by the agreement of all affected coastal States, and duly taking into account the existing bilateral and regional cooperative arrangements, on the situation with respect to piracy and armed robbery;

19. *Expresses* its intention to review the situation and consider, as appropriate, renewing the authority provided in paragraph 10 above for additional periods upon the request of the TFG;

20. *Decides* to remain seized of the matter.